

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

JESSIE C. HAWKINS §
VS. § CIVIL ACTION NO. 1:07cv191
PURDUE PHARMA, L.P., ET AL. §

MEMORANDUM ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND
ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Jessie C. Hawkins, an inmate Neal Unit, proceeding *pro se*, brought the above-styled action against Purdue Pharma, L.P.; Omar D. Vidal; Walgreens Pharmacy; and Kroger Law Department.

The court referred this matter to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends this action be dismissed for lack of jurisdiction. Additionally, the magistrate judge recommends that the exercise of supplemental jurisdiction should be declined.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, pleadings and all available evidence. Plaintiff filed objections to the magistrate judge's Report and Recommendation. This requires a *de novo* review of the objections in relation to the pleadings and the applicable law. See FED. R. CIV. P. 72(b).

After careful consideration, the court concludes plaintiff's objections are without merit. Further, plaintiff's claims are barred by limitations. Plaintiff complains of incidents occurring

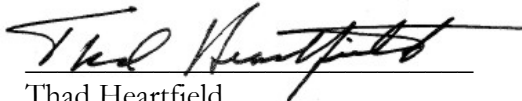
during or before October 2003. However, plaintiff did not file this action until March 29, 2007.

In Texas, the applicable statute of limitations period for personal-injury claims is two years. See TEX. CIV. PRAC. & REM. CODE 16.003(a) (Vernon 2006). Thus, plaintiff's complaint, filed more than three years after accrual, is barred by limitations.

O R D E R

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendations.

SIGNED this the 31 day of **October, 2007**.


Thad Heartfield
United States District Judge